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## **The Greater Kansas City Federal Executive Board's**

# **Shared Neutrals ADR Program**



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**January 2014**

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# The Shared Neutrals Program

## *An Alternative Dispute Resolution Exchange*

The Shared Neutrals Program is a cooperative arrangement between diverse federal agencies in the greater Kansas City area. Each member agency makes a reciprocal agreement to submit requests for alternative dispute resolution services and to share resources cooperatively.

### **Mission**

The Shared Neutrals Program is designed to serve three objectives. **1)** The first objective is to provide agencies with low cost and flexible access to effective dispute resolution services. **2)** The second objective is to provide disputing individuals with accessible, timely, and confidential neutral services. **3)** The third objective is to support a diverse cadre of trained and experienced neutrals (mediators) who mentor less experienced neutrals from other agencies on a collateral duty basis.

Flexibility is a core value for this Program. Individual agencies have a great deal of choice on how they use this Program. It is intended that each participating agency make contributions to the Program that approximates its demands.

### *A Brief History*

### **History**

The Greater Kansas City Federal Executive Board (KCFEB) sponsors the Shared Neutrals Program to facilitate the use of alternative dispute resolution (ADR) among federal agencies. Participating agencies may use the Program's cadre of neutrals free of charge and with minimal documentation requirements.

The KCFEB formally adopted the Shared Neutrals Program in September 2000, following the model of similar programs.

## Frequently Asked Questions



*What is ADR?* Alternative Dispute Resolution includes such processes as mediation and facilitation. These methods generally help participants to negotiate collaboratively to resolve conflict. They are an alternative to traditional adjudicatory or adversarial methods.

*What is a neutral?* A neutral is a third party to the participants caught in conflict. With no stake in the outcome, a neutral remains impartial to both sides. Neutrals in this Program are trained to facilitate communication and expedite negotiations under a variety of circumstances.

*Who are the neutrals?* The neutrals who serve this Program are employees of the participating agencies. They are trained and experienced neutrals with diverse professional and cultural backgrounds.

*Why share resources?* Each participating agency contributes a little and gains access to a lot. Agencies typically contribute the services of a few neutrals, along with such items as meeting rooms and printing. In exchange, agencies gain access to dozens of highly trained and experienced neutrals, at no additional cost. Perhaps more importantly, neutrals from outside agencies provide both high levels of neutrality and an enhanced appearance of neutrality.

*What is mediation?* Mediation is a confidential, informal conflict resolution process in which trained, impartial third parties facilitate the search for a mutually acceptable, self-determined agreement between disputants.

Mediation encourages a collaborative, non-adversarial approach to solving problems. The process is voluntary and provides a safe environment for people to talk through their issues, interests, and feelings.

*When should mediation be used?* Mediation is most effective when used before a conflict has escalated to a high level of volatility. It is a highly effective tool when parties or groups are unable to work together effectively or have a conflict.

*What types of disputes can be resolved through Shared Neutrals?* Participating agencies select the types of disputes they wish to refer to the Program.

**Shared Neutrals CAN provide mediation for these types of disputes**

- Employment/Workplace  
communication  
interpersonal  
cross-cultural  
staff/management  
multiparty
- EEO  
*discrimination*  
*harassment (some types)*

*What types of disputes cannot be resolved through Shared Neutrals?*

The Shared Neutrals Program excludes certain types of disputes that have been deemed inappropriate for this Program as a matter of policy.

**Shared Neutrals DOES NOT provide mediation for these types of disputes**

- Cases involving serious or criminal misconduct
- Disputed union contracts
- Cases in which any party does not wish to participate voluntarily
- Cases that an individual agency elects to exclude

*How long does it take?* Dispute resolution through the Shared Neutrals Program is fast and informal. It generally takes two weeks to schedule a session. The scheduling process may be expedited when circumstances demand immediate attention. Most mediation sessions take between 4 to 6 hours. Complex, multiparty disputes may require more than a day.

## 1 INTRODUCTION

*What does it cost?* There is no charge to the parties in dispute. Neutrals are paid for their time by their own employer or volunteer their own time. Any travel costs incurred will be paid by the agency making the request. Voluntary agency contributions cover administrative costs such as conference rooms, printing, clerical help, etc.

*What happens in mediation?* Participation is voluntary and confidential. Participants determine the outcome. Once an agreement is reached, a written formal document will be prepared and signed by all appropriate parties. The opportunity to be heard and to hear another perspective can help to clarify issues, provide insight into interpersonal dynamics, and generate new awareness of options.

*What happens if it doesn't work?* Sometimes agreements are not reached in mediation or parties do not adhere to agreements they have reached. Individual agencies will determine the policy/methods in enforcing mediation agreements. If parties fail to reach agreements, other options may be explored. Participation in a mediation session does not preclude use of any other options for dispute resolution.


*What about confidentiality?* Confidentiality is one of the guiding principles of the Shared Neutrals Program and will be maintained consistent with all applicable laws. All verbal and written information exchanged during the process is considered confidential, unless otherwise specified in writing. Any decision to release information from the mediation sessions will be with the mutual consent of all participants. As a matter of policy, the Program and neutrals do not retain specific case materials.



## How Agencies Can Participate

*Participating agencies share resources to benefit from low cost, high quality, timely alternative dispute resolution*

### Agency Agreements



A formal Letter of Commitment qualifies an agency and its employees to participate in the Shared Neutrals Program. This letter *should* include five key elements.

1. **Cases:** Identify: 1) the types of cases which would be most applicable to the agency for requesting services, and 2) any types of cases which the agency will *exclude* from the Program, other than those described in Chapter 1.
2. **Agency Liaison:** Identify an Agency Liaison to the Program, including a brief description of his/her background, particularly as it relates to ADR.
3. **Access to the Process:** Identify which agency personnel are authorized to make requests. Indicate whether all requests must go through the Agency Liaison or whether agency employees may request services directly with the Program Coordinator.
4. **Documentation:** Designate if specific agency forms are required and who should receive copies.
5. **Non-retaliation Statement:** State that the agency will not retaliate against anyone who chooses to participate, not participate, or withdraw from mediation.

It is the responsibility of the Agency Liaison to provide written notification of any changes to the agreements above to the Program Coordinator. Agency Liaisons should contact the Program Coordinator for information in accomplishing this.

For more information on the role and responsibilities of the Agency Liaison, please see Chapter 3.

## **Benefits**

Sharing resources through participation in the Shared Neutrals Program offers agencies numerous benefits. Participating in this intergovernmental exchange provides low cost access to cutting edge ADR methods.

### **Lower costs and reduced risks**

- Minimizes administrative costs
- Minimizes lost productivity
- Reduces the risks and expense of litigation
- Protects privacy
- Preserves other options for dispute resolution
- Maximizes potential for agreement and compliance

### **Access to credible ADR**

- Enhances perception of neutrality and confidentiality in sensitive disputes
- Provides ADR to agencies without trained neutrals on staff
- Offers greater access to pool of competent, diverse neutrals
- Accesses specialized ADR technical expertise
- Allows mentoring opportunities to benefit experienced/less-experienced neutrals
- Assists in developing ADR programs and processes

### **Collaborative, creative problem solving**

- Enhances work life
- Speeds dispute resolution
- Boosts morale
- Preserves and enhances relationships
- Permits agencies to enhance their ADR knowledge/expertise

## Contributions

The strength of the Shared Neutrals Program lies in its member agencies and the contributions they make. In addition to neutrals, agencies may contribute meeting space, administrative/clerical support, printing, and funds for training and program coordination.

## *Outreach*

Accessibility and delivery of a consistent message are key to the success of the Shared Neutrals Program. Here are some ideas for making the program as accessible as possible.

### **Ideas for Outreach**

- ✓ Publish information on the Program in a newsletter or online.
- ✓ Print and post Program flyers on bulletin boards at employee gathering spots such as break rooms or other central locations.
- ✓ Print brochures and make them available throughout the agency, for example with employee newsletters.
- ✓ Invite Program members to give presentations at staff meetings.
- ✓ Send personnel to KCFEB-sponsored training on the Program

## How the Process Works

*Agencies tailor their use of the Program to suit their needs.*

Agencies have a great deal of latitude in how they use the Shared Neutrals Program. This section outlines a generic description of the Program's elements and procedures. How each of these is used may vary according to the individual preferences of individual agencies, as well as the needs of specific cases.

### Shared Neutrals Message Line



The Program uses a confidential voicemail message line to facilitate communication between participating agency personnel. The Program Coordinator is responsible for checking messages frequently and responding to calls promptly. Callers are encouraged to leave their name, phone number (including a good time to call), or email address, along with a detailed message. The voicemail system is protected by password; all messages are strictly confidential. The phone number is 816 926-1211. The Program Coordinator can also be reached by e-mail Susan.deCourcy@dot.gov or by calling 816-329-3900.

### Request for services

Employees of participating agencies may request services by contacting their Agency Liaison or by contacting the Program Coordinator directly through the message line. Some agencies may require employees to work through the Agency Liaison.

#### **Agency Liaison call**

Typically, parties will contact their Agency Liaison to inquire about or request Program services. The Liaison will then contact the Program Coordinator, either by email or the message line, to notify the Program Coordinator how contact with involved parties should take place, as well as about scheduling parameters and any special needs and concerns. The Program Coordinator will verify that the necessary information (intake

checklist) has been covered with each party and will then enter the case into the Program. In some instances, after speaking with the Agency Liaison, the Program Coordinator may obtain necessary information directly from the parties.

**Involved parties  
call**

Upon occasion, a party may contact the Program Coordinator directly through the message line or email. When a party calls to request a neutral, the Program Coordinator will first confirm that the caller is an employee of a participating agency and then determine whether the Agency Liaison has been or should be contacted, as per agency protocol.

**Intake**

Intake begins when a request for service is made. Intake is defined as the initial contact to request Program information and the service of a neutral. Either the Agency Liaison or the Program Coordinator may do this work. Intake involves the sharing and gathering of information about the dispute and the Program. Parties can then make an informed decision about whether to mediate through the Program or to pursue other options, and the Agency Liaison and Program Coordinator can decide if the case is appropriate for the Program. All cases are screened to determine whether they meet Program guidelines and agency protocol. The purpose of intake is not to explore the conflict in detail, but to gather and to provide general information.

**Intake Checklist**

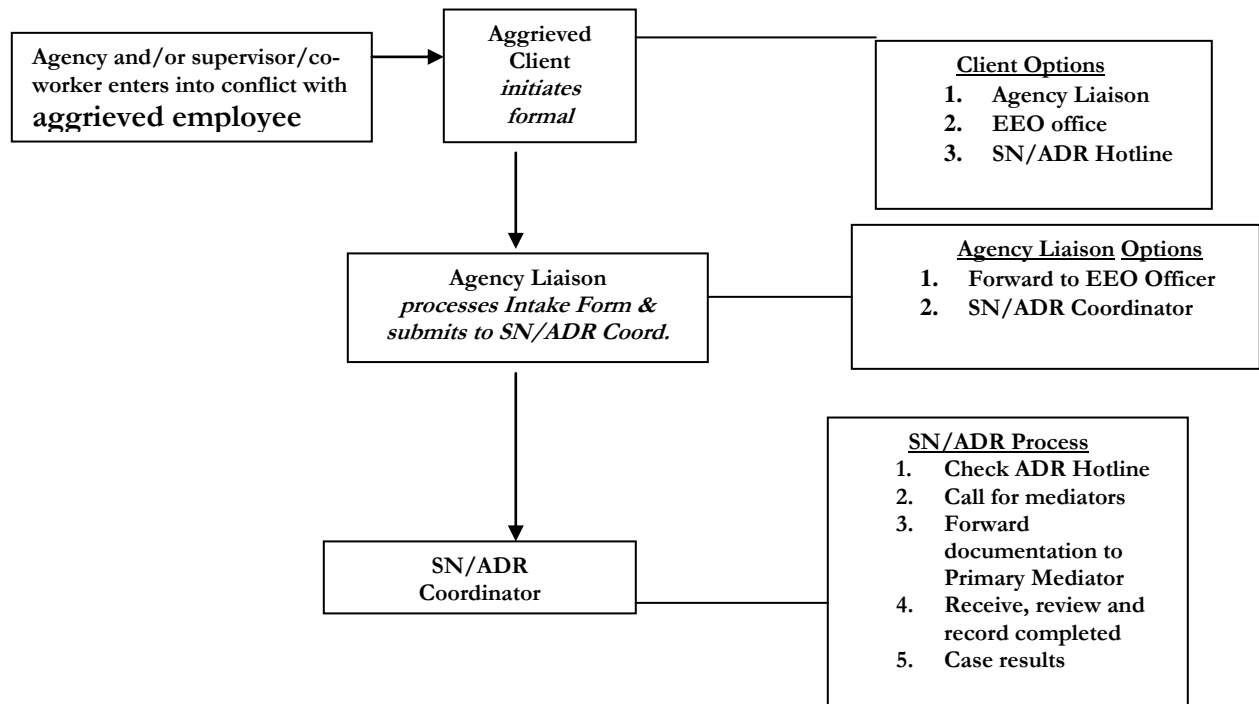
- ✓ Is at least one party a participating agency or its employee?
- ✓ Do parties need to talk to Agency Liaison?  
*Verify agency protocol*
- ✓ Name, phone number, email, and mailing address of each party?
- ✓ Do parties understand that participation is voluntary and confidential?
- ✓ What are the scheduling parameters for the parties?  
*Vacations, times, days, deadlines?*
- ✓ Do parties have any special needs or concerns?  
*Gender, cultural, interpreter, physical disability, etc.*
- ✓ Do all the parties understand how the Program works?  
*Mediation may or may not reach resolution*

- ✓ Have all parties received Program materials?  
*What is preferred address and mode of delivery*
- ✓ Has each party received the Consent to Mediate form?  
*Each party must sign prior to any mediation session*
- ✓ Any questions?  
*Inform parties that they will hear from a neutral*

The product of the intake process is a case profile. This includes the names and contact information for each party (at least a phone number and mailing address). It also includes a brief outline of the dispute and information on scheduling parameters. If an Agency Liaison has done the intake, the case profile is forwarded immediately to the Program Coordinator.

The Program Coordinator will assign a case number and a neutral for case development. Once the neutral is assigned, the Program Coordinator will submit the case profile with contact information.

**Figure 1. Diagram of SN/ADR Mediation Process**



# Agency Liaison role & responsibilities

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## Intake

Agency Liaisons who perform intake are responsible for following Program guidelines and agency protocol. When an Agency Liaison first receives a call requesting service, the Program Coordinator must be immediately notified for tracking purposes.

### Responsibilities of Agency Liaison

Provide Program Coordinator with a Letter of Commitment

Coordinate logistics

- Secure and schedule rooms for mediation sessions

- Arrange reimbursements to neutrals for travel expenses

- Troubleshoot process deficiencies with Coordinator

Coordinate outreach efforts for the Shared Neutrals Program

When performing intake:

- Inform Program Coordinator of all contacts

- Provide Program Coordinator copy of intake form

- Ensure that Program and agency guidelines are met

- Distribute Program materials



## Program Coordinator role & responsibilities

### Intake

The Program Coordinator shares responsibility for performing intake with Agency Liaisons. The Coordinator performs intake when Agency Liaisons cannot due to a conflict of interest or when agencies have not delegated the task to the Agency Liaison.

It is the primary responsibility of the Program Coordinator to oversee the process of gathering and providing information about ADR options, and specifically the Shared Neutrals Program, to foster informed choices and appropriate use of resources. In some cases, the Coordinator may refer callers to other sources for information and assistance regarding dispute resolution.

### Program Liaison

The Program Coordinator serves as the primary Program Liaison, in collaboration with the Subcommittee Chair. In addition to tracking case-related calls, the Program Coordinator provides information about the Program and may refer callers to other Agency Liaisons.

### Neutral assignment

Once the case profile from the intake process has been logged, the Program Coordinator requests and assigns neutrals. The first criteria for assignment are case-specific technical expertise in content or ADR processes and appropriate experience (professional, cultural, racial, or gender attributes). Parties have the option of declining the service of any particular neutral.

Secondary criteria include proximity, availability, equitable distribution of work, and mentoring opportunities for neutrals.

#### Criteria for neutral assignment

1. Technical expertise in process and content
2. Case-appropriate experience
3. Availability
4. Equitable distribution of work and mentoring opportunities

## Staffing

The Program Coordinator is appointed by and reports to the Shared Neutrals Subcommittee, upon approval of the KCFEB Chairperson.

### Responsibilities of Program Coordinator

- Monitor message line voicemail system
    - Respond to calls promptly
    - Provide Program information
    - Make referrals to appropriate resources
    - Record contact and case information
  - Coordinate and oversee the intake process
    - Work in collaboration with Agency Liaisons
    - Ensure timely and consistent response to requests
  - Make neutral assignments
  - Maintain working files
    - Instructions for message line voicemail system
    - Intake instructions
    - Case logs
    - Intake forms with case profiles
    - List of participating Agency Liaisons
    - Letter of Commitment from agencies
  - Maintain list of Program neutrals
    - Profile/biography sheet for each neutral
    - Contracts between neutrals and Program
    - Neutral assignment tracking form
  - Coordinate and monitor agencies' usage
    - Monitor and maintain balance among agencies`
- 
- Assist with Program evaluation
  - Return case log information to evaluation committee
  - Forward evaluation comments to Subcommittee Chair

## Primary Mediator role and responsibilities



### **Case development**

Case development is the detailed work involved in preparing for and conducting the mediation. This usually involves a series of contacts. The Program Coordinator will generally provide a brief outline of the conflict, the scheduling parameters, and special concerns of the involved parties. Upon accepting the assignment, the primary mediator will receive the case profile, which includes the case number, a brief outline of the conflict, and a list of all involved parties and their contact information. This list may include others who have a peripheral interest in the conflict and its resolution, such as managers and Agency Liaisons.

### **Contacting parties**

The primary mediator contacts each of the parties involved in the dispute to explore their needs and concerns. This allows the mediator to obtain as much information as deemed necessary to design an appropriate process. The primary mediator will coordinate with Agency Liaison and contact parties within 48 hours of receiving the case assignment, and should attempt to hold the mediation session within two weeks of receiving the assignment.

### **Co-mediator selection**

The Program Coordinator will forward information concerning the assignment of co-mediators to the primary mediator.

The Shared Neutrals Program is designed to provide mentoring opportunities. Primary mediators are encouraged to work with co-mediators whenever appropriate, and to do so in a manner that provides equitable opportunities to develop the skills of co-mediators.



As a matter of policy, the Shared Neutrals Program does not retain case materials, such as work notes. Neutrals serving the Program sign a contract and agree to comply with Program procedures for documentation. Chapter 4 describes these requirements in detail.

The Program Coordinator maintains updated versions of each of the forms listed below. Neutrals are provided a copy of each form in their mediation packet and are responsible for making sufficient copies for their own use.

### **Consent form**

Each party and each mediator must sign a consent to mediate form prior to each mediation session.

### **Mediation agreement**

Neutrals assist parties in formalizing any resolutions reached in a mediation session by crafting language and serving as scribe. It is the responsibility of the primary neutral to identify, prior to any mediation session and according to agency protocol, who will receive copies of any mediated agreement. Those parties involved will be notified who will

receive a copy of the agreement. The Shared Neutrals Program does not receive copies of the mediation agreement.

**Evaluation form** Primary mediators are responsible for distributing an evaluation form to each party at each session. A pre-addressed, postage-paid envelope is to be supplied with each form to encourage response. This feedback is crucial for Program evaluation and improvement. Neutrals are encouraged to explain the importance of this feedback for Program evaluation.

**Critique** Each neutral is responsible for completing a confidential debriefing critique of the other mediator after each mediation session, and for returning it promptly to the Program Coordinator.

Each primary mediator is responsible for keeping the Program Coordinator informed of the status of the case, including their dispositions.

**Checklist** Each primary mediator is responsible for completing a checklist for case documents to facilitate Program evaluation.

## **ADR processes**

The Shared Neutrals Program supports a variety of ADR methods and styles. All neutrals, regardless of their theoretical framework and style, are expected to meet qualifications for training and experience and agree to adhere to Program standards of practice.

**Co-mediation** Mediation is the most popular ADR option. The Shared Neutrals program uses co-mediators, two to three neutrals per session, which includes the process outlined below.

- The neutrals generally begin with an opening statement outlining the mediation process, roles, and rules of conduct.
- Each party follows with an individual opening statement to describe his/her experience.
- Each party has a chance to respond in turn with questions and comments.
- The neutrals assist in developing an agenda of items for discussion between the parties and then help to guide the negotiation process.
- The neutrals may meet with each party individually.
- The neutrals assist in formalizing any agreements that participants may reach.

## How Neutrals Can Participate

### *Neutrals bring different ADR styles to the Program*

The neutrals shared through this Program are employees and volunteers from participating federal agencies. They bring diverse professional and cultural backgrounds to the Program. Collectively, they possess a broad range of technical expertise and different ADR styles. This wealth of training and experience is one of the greatest assets of the Program.

#### **Mentoring**

This exchange also supports the professional development of agency neutrals through mentoring. The Program is designed to provide opportunities for more experienced neutrals to work with neutrals with less experience for their mutual benefit.

## Selection Process

Applicants from a variety of professional backgrounds who use diverse ADR techniques are encouraged to apply. Each applicant recommended by their agency will receive Program orientation.

### **Eligibility Requirements**

- ✓ Employee or trained volunteer of participating agency
- ✓ Completed mediation training that meets the requirements outlined by the Subcommittee
- ✓ Previous experience as a neutral (mediator)
- ✓ Commitment to continuing mediation education
- ✓ Agrees to adhere to Program standards of practice

To apply, neutrals must submit a Neutral Profile to the **ADR Program Committee** detailing their training and experience, preferred style, and methods of dispute resolution.

When nominated to the Shared Neutrals Program, neutrals are required to read and sign a contract outlining the Program's standards of practice.

The Program Coordinator will assign cases on a rotating basis. Neutrals will not be assigned to cases in their own agencies, unless agreed to by both parties.

## Neutral roles

<b>Primary neutral</b>	Primary mediators form the nucleus of the Shared Neutrals Program. Those designated as primary mediators are trained and experienced mediators who provide mentoring to less experienced neutrals. Under certain circumstances, primary mediators may work alone, while co-mediators must work with a primary mediator.
<b>Co-neutral</b>	Co-mediators are required to meet all the requirements outlined to participate in the Shared Neutrals Program and must work with a primary neutral. Co-mediators must complete three mediations before becoming a primary mediator.
<b>Program Coordinator</b>	The Program Coordinator is appointed by and reports to the Shared Neutrals Subcommittee, upon approval of the KCFEB Chairperson.

## Standards of Practice

Neutrals agree to adhere to the following standards of practice.

### **Mediators' Ethical Standards**

All neutrals who serve the Shared Neutrals Program in any capacity agree to:

1. Conduct themselves with diligence and not seek to advance their own interests;
2. Seek to provide each participant with a full opportunity to express his/her interests;
3. Strive to serve as impartial facilitators of communication through the use of a neutral process;
4. Empower participants to make their own decisions, and not seek to exert influence in decision making;
5. Not engage in non-neutral roles or activities relating to individual cases;
6. Refrain from serving in cases without requisite technical expertise, when such lack would inhibit or compromise the process and thus prevent resolution; and
7. Not make claims or promises of results.

Mediators sign a commitment letter designed to encourage consistency and quality.

### **Mediator (Shared Neutrals) Commitment Letter**

1. Read and agree to the Mediators' Ethical Standards and all policies and procedural requirements for Shared Neutrals' mediation sessions.
2. Agree that all records and communications received by Shared Neutrals or the mediator are strictly confidential, unless otherwise specified by law or the Shared Neutral Program contract, and that such information, whether

written or oral, may not be divulged at any time to any unauthorized person.

3. Agree not to testify, unless required by law, or permitted by the Shared Neutral Program contract, regarding any information, communications, records, the participants, or the mediation process.
4. Complete and submit all necessary documentation following each session.

## ***Neutrality***

### **Conflict of interest**

The Shared Neutrals Program is designed to provide agencies and users with impartial neutral services. Neutrals must immediately disclose any potential conflict of interest, whether professional or personal, to all involved parties. Program users may jointly select or unilaterally reject any particular neutral. Neutrals must agree to excuse themselves, should the parties prefer to work with another neutral.

## ***Confidentiality***

Like neutrality, confidentiality is one of the guiding principles of the Program and will be maintained consistent with all applicable laws and with the shared neutrals program contract.

As a matter of policy, the Program does not retain specific case materials. The Program does retain mediation evaluations. Mediation participants in the Shared Neutrals Program may not voluntarily disclose or be required to disclose any statement made in or for purposes of the mediation.

## ***Informed, voluntary consent***

### **Written consent**

Neutrals will inform participants about the nature and specific procedures of the process used and the individual role of the participants and the neutrals. Written consent must be obtained prior to the commencement of any session.

### **Right to withdraw**

Neutrals will inform participants of their right to withdraw without prejudice.





## Case development & documentation

The process of case development and procedures for case documentation are detailed in Chapter 3. Primary neutrals are responsible for contacting all parties in the case development phase to design an appropriate process and for selecting a co-mediator.

Neutrals use five documents to prepare for and conduct mediations.

Neutrals ensure that each party signs a **Consent to Mediate** form prior to any mediation session.

Neutrals assist parties to formalize resolutions in a **Mediation Agreement** form.

They also encourage each party to complete an **Evaluation** form, which is to be mailed back to the Program Coordinator in a pre-addressed, postage-paid envelope that is provided to encourage feedback. This feedback is crucial for Program evaluation and improvement. Neutrals are encouraged to explain the importance of this feedback for Program evaluation.

After each session, each neutral completes a **Confidential Debriefing Critique** to the Program Coordinator.

For each case, a primary mediator completes and returns to the Program Coordinator a **Primary Mediator Checklist** to facilitate Program evaluation.

The Program Coordinator maintains updated versions of each of the forms as part of the Program working files. Neutrals are provided with a copy of each form in their mediation packet when they join the Program. Whenever the forms are updated, the Program Coordinator will distribute copies to neutrals by email, fax, or mail. Updated forms may also be available for downloading from the KCFEB web site: <http://kcfef.gsa.gov>. Neutrals are responsible for making sufficient copies for their own use.

### **ADMINISTRATIVE FORMS** (used by Program Coordinator)

**Case Log** – Identifies and tracks cases.

**Intake Form** – Coordinates service delivery and facilitates Program evaluation.

**Intake Checklist** – Lists basic case information.

**Assignment Tracking Form** – Tracks case assignments quarterly to facilitate equitable distribution among neutrals.

### **CLIENT LETTER**

**Client Letter** – Sent to each party during intake. It provides information about how to most effectively prepare for the mediation, clarifies roles and expectations, and confirms the voluntary nature of the process. Generally a brochure and a copy of the Consent to Mediate form accompany the letter.

### **MEDIATION FORMS**

**Consent to Mediate** – Signed by each party and each mediator prior to beginning any mediation.

**Mediation Agreement** – Formalizes agreements reached during mediation. Completed by mediators and signed by each party, mediators, and other officials, if required, when agreement is reached. One copy is distributed to each party, and appropriate office as designated. Mediators *do not* retain a copy.

**Client Evaluation** – Distributed to each mediation participant, along with a pre-addressed, postage-paid envelope.

**Confidential Debriefing Critique** – Each mediator completes and returns a critique of the other mediator after each mediation to the Program Coordinator.

**Primary Mediator Checklist** – To be completed for each case to facilitate Program evaluation and returned to the Program Coordinator.

Case numbers will be assigned by the Program Coordinator and annotated on all forms where indicated.

**Note: Letters & Forms will be provided by the Program Coordinator.**

# SHARED NEUTRALS

## AN ALTERNATIVE DISPUTE RESOLUTION EXCHANGE

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### INTAKE

*Purpose of intake is not to hear about the details, but to gather and provide basic information so the parties can make an informed choice about whether the Shared Neutrals program might assist them.*

The following checklist includes the information intake needs to cover. Purpose of intake is to provide information *to* and get information *from* parties in order to:

- ◇ confirm that a referral is appropriate for mediation;
- ◇ ensure that all potential participants understand our services;
- ◇ assign a mediator who is appropriate to the referral.

Details of the case should be left to the Primary Mediator in the Case Development Process.

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\_\_\_\_ Employee of participating agency \_\_\_\_\_  
(Agency Name)

\_\_\_\_ Discussed with Agency Liaison \_\_\_\_\_  
(Date)

\_\_\_\_ Received program materials

\_\_\_\_ Received copy of Consent to Mediate with Client letter \_\_\_\_\_  
(Date)

\_\_\_\_ What might mediation do for you

---

\_\_\_\_ Confidentiality

\_\_\_\_ No decisions made by mediators

\_\_\_\_ May/may not achieve resolution

\_\_\_\_ Mediators will be unknown to you/other party (from outside agency)

\_\_\_\_ Explain mediation sessions--length of time, number of times, general format

\_\_\_\_ Planning any vacations/other general scheduling needs \_\_\_\_\_

\_\_\_\_ Okay for me to contact other party

\_\_\_\_ Assuming that all parties are willing, next call will likely be from the mediator assigned to this mediation, who will ask you specifics about your situation.

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**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**

---

**INTAKE**

**EEOC MANDATED MEDIATION:** ☐ Yes ☐ No

**Case #:**

**Intake Date:**

**Client Name:**

**Agency:**

**Agency Liaison Name:**

**Phone No:**

**E-mail:**

**Agency Address:**

**Type of Case:** ☐ Employee/Employee ☐ Employee/Supervisor ☐ EEO ☐ Harassment  
☐ Disability ☐ Labor Relations ☐ Multi-party ☐ Facilitation

**Brief Description of Issues:**

**Requested remedy (describe):**

---

**Party 1 (P1) Information:**

**Name:**

**E-mail Address:**

**Mailing Address(home):**

**Home Phone:**

**Work Phone:**

**Special Needs:**

**Relationship to P2:**

**Representation:** ☐ Yes ☐ No

**(Atty., friend, etc.):**

**Representative:**

**Address:**

**Phone:**

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**Party 2 (P2) Information:**

**Name:**

**E-mail Address:**

**Mailing Address(home) Optional:**

**Work Phone:**

**Special Needs:**

**Relationship to P1:**

**Representation:** ☐ Yes ☐ No

**(Atty., friend, etc.):**

**Representative:**

**Address:**

**Phone:**

**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**

---

**INTAKE**

Specific agency requirements:

Disposition: *To be completed by SN Program Coordinator*

<b><u>Intake received</u></b>	<b><u>Client letter sent</u></b>	<b><u>Mediation date/s</u></b>
<b><u>Outcome</u></b>	<b><u>Comments</u></b>	
Primary:		Phone:
Co-mediator:		Phone:

**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**  
**SETTLEMENT AGREEMENT**

between

\_\_\_\_\_ and \_\_\_\_\_  
(Party 1) (Party 2)

Having participated in mediation session(s) on \_\_\_\_\_,  
and being satisfied that we have reached a fair and reasonable agreement, we  
hereby agree as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*All parties agree to all terms and conditions set forth in the signed Agreement to Mediate*

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Party 1 Party 2

\_\_\_\_\_  
Representative for Party 1 Representative for Party 2

**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**

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**CLIENT EVALUATION**

Case # \_\_\_\_\_ Date \_\_\_\_\_

Your satisfaction is our primary concern. Your honest feedback of the process you participated in is very important. Please answer the questions by checking the response that most accurately represents your view. If you answer no to any question, please explain.

1. Do you feel the mediation process resolved the issues in a timely manner?

☐ Yes

☐ No

2. Are you satisfied with the results of the mediation?

☐ Yes

☐ Somewhat

☐ No

3. Did mediation change your understanding of the initial issues?

☐ Yes

☐ Somewhat

☐ No

4. Do you feel that mediation provided a better understanding of the other party's perspective?

☐ Yes

☐ Somewhat

☐ No

5. Do you feel that you understand the other party's perspective better as a result of the mediation?

☐ Yes

☐ Somewhat

☐ No

6. Do you feel that the work environment will improve as a result of the mediation?

☐ Yes

☐ Somewhat

☐ No

7. Would you use mediation again to resolve your dispute?

☐ Yes

☐ No

8. Did you feel that the mediator was impartial?

Primary mediator: ☐ Yes

☐ Somewhat

☐ No

Co-mediator: ☐ Yes

☐ Somewhat

☐ No

Comments: \_\_\_\_\_

\_\_\_\_\_

**SHARED NEUTRALS  
AN ALTERNATIVE DISPUTE RESOLUTION  
EXCHANGE**

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**CLIENT EVALUATION**

9. Do you feel that mediation was worth the time you invested in the process?

☐ Yes

☐ Somewhat

☐ No

10. Do you have suggestions for improving the mediation process?

---

---

Additional comments:

---

---

I am the ☐ Aggrieved person ☐ Party representative

☐ Agency Manager ☐ Agency representative

Name (optional)

---

Agency

---

**Please complete and return this form to:**

Susan DeCourcy  
Program Coordinator, FEB  
Shared Neutrals Program  
National Highway Traffic Safety Administration  
901 Locust Street, Suite 466  
Kansas City MO 64106  
Phone: 816.329.3904  
Fax: 816.329.3910



**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**

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**NEUTRAL PROFILE (To be completed by all Mediators/Co-Mediators)**

Name \_\_\_\_\_ Tel: \_\_\_\_\_

Are you a Supervisor/Manager? ☐ Yes ☐ No

Agency \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Fax \_\_\_\_\_

Willing to travel? Any limitations? Special requests?

\_\_\_\_\_

**Education:**

\_\_\_\_\_

**Occupational Category:** ☐ Management ☐ LR Specialist ☐ Union Representative  
☐ Attorney ☐ Technical ☐ HR ☐ Administrative ☐ EEO ☐ Other, please specify.

**Mediation Experience in last 18 months:** (Specify dates, number of mediations, types of cases, i.e., EEO, workplace disputes, domestic, etc., and specify agency, such as State, federal government, Civil Court, etc.) Attach additional page if needed.

\_\_\_\_\_

**Please indicate experience with the following types of cases:**

**Workplace:**

- |  |  |
|--|--|
| <input type="checkbox"/> Employee/Employee   | <input type="checkbox"/> Disability      |
| <input type="checkbox"/> Employee/Supervisor | <input type="checkbox"/> Labor Relations |
| <input type="checkbox"/> EEO                 | <input type="checkbox"/> Multi-party     |
| <input type="checkbox"/> Harassment          | <input type="checkbox"/> Facilitation    |

Would you be interested in receiving training on becoming a facilitator? ☐ Yes ☐ No

\_\_\_\_\_

The information contained herein is true and accurate:

\_\_\_\_\_

(Signature)

\_\_\_\_\_

Date

**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**

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**NEUTRAL CONTRACT**

**Between**

**Kansas City Federal Executive Board Shared Neutrals Program**

**AND**

\_\_\_\_\_  
(Print Mediator's Name)

\_\_\_\_\_  
(Mediator's Agency)

**AGREES to the following conditions as the basis for serving as a Shared Neutrals mediator:**

I have read, understand and agree to comply with the mediator's Ethical Standards, and all policies and procedural requirements for Shared Neutrals mediation sessions (see Shared Neutrals Program Guide.)

I understand that all records and communications received by Shared Neutrals or the mediator are strictly confidential (unless otherwise specified by law,) and that such information, whether written or oral, may not be divulged at any time to any unauthorized person. I will not willingly testify, unless required by law, regarding any information, communications, records, the participants, or the mediation process.

However, I agree to disclose the following information if received while serving as a Shared Neutrals mediator: 1) abuse against a dependent person, 2) threats of future crimes, and 3) information which Shared Neutrals has agreed must be disclosed to the employer of my mediation clients in any specific case.

\_\_\_\_\_  
Neutral Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Work Phone

\_\_\_\_\_  
Agency Address

\_\_\_\_\_  
**Shared Neutrals Agency Representative**

\_\_\_\_\_  
**Date**

Susan DeCourcy  
Program Coordinator, FEB  
Shared Neutrals Program  
National Highway Traffic Safety Administration  
901 Locust Street, Suite 466  
Kansas City MO 64106  
Phone: 816.329.3904

**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**

---

**AGENCY LETTER OF COMMITMENT**

This letter signifies the \_\_\_\_\_ commitment to participate in the Shared Neutrals Program, an Alternative Dispute Resolution Exchange sponsored by the Kansas City Federal Executive Board.

**Date:** Effective: \_\_\_\_\_

**Cases:** The Agency will **submit** the following types of cases for resolution:

\_\_\_\_\_

The Agency will **exclude** the following types of cases from the Program:

**Those as defined in the Shared Neutrals ADR Program Guide dated September 2000, page 1.3.**

**Agency Liaison:** The Agency's Liaison to the Shared Neutrals Program will be:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Please attach a brief description of the Liaison's background, especially as it relates to alternative dispute resolution.

**Access to the Process:** Please identify whether:

- \_\_\_\_\_ ALL requests for services must go through the Agency Liaison; or
- \_\_\_\_\_ Specific personnel may make requests directly to the Program Coordinator.  
Identify personnel: \_\_\_\_\_; or
- \_\_\_\_\_ Parties may upon occasion contact the Program Coordinator directly, although Liaison will make most requests. **Note: All EEO-related issues are required to be processed through Agency Liaison.**

**Documentation:** Please note any particular Agency forms to be used to document ADR processes, and who should receive copies:

\_\_\_\_\_  
\_\_\_\_\_

**Non-retaliation Statement:** The Agency agrees not to retaliate against anyone who chooses to participate, not participate or withdraw from mediation.

\_\_\_\_\_  
**KCFEB Shared Neutrals ADR Program Guide**  
**2014**

**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**

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**AGENCY LETTER OF COMMITMENT**

**Contributions:** There is no cost for the ADR services provided, with the exception of travel costs for the mediators when necessary. As a Program participant, however, the Agency is asked to provide cases for resolution and access to meeting rooms. Other needs may

**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION**  
**EXCHANGE**

---

**AGENCY LETTER OF COMMITMENT**

Include neutrals (an application process is involved for all neutrals); administrative support; printing; and funds for training and program coordination, on an as needed basis.

**Outreach:** The goal is to make the Program as accessible as possible. The Agency plans to notify personnel of the Program by:

- ☐ Publishing Program information in online or other newsletters.
- ☐ Printing and posting Program flyers on bulletin boards.
- ☐ Making Program brochures available throughout the Agency.
- ☐ Inviting Program members to give presentations at staff meetings.
- ☐ Distributing FEB web site information.
- ☐ Other (please specify) \_\_\_\_\_

**Other Concerns:** \_\_\_\_\_

\_\_\_\_\_

**ADR Program Contact Number:** 816-329-3904 or email: [Susan.DeCourcy@dot.gov](mailto:Susan.DeCourcy@dot.gov)

Submitted by:

\_\_\_\_\_  
Agency Director/Administrator (signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

***Send completed form to:***

Susan DeCourcy  
Program Coordinator, FEB  
Shared Neutrals Program  
National Highway Traffic Safety Administration  
901 Locust Street, Suite 466  
Kansas City MO 64106  
Phone: 816.329.3904  
Fax: 816.329.3910

*(To be Completed by Primary Mediator)*

**KCFEB Shared Neutrals ADR Program Guide**  
**2014**

**SHARED NEUTRALS**  
**AN ALTERNATIVE DISPUTE RESOLUTION EXCHANGE**  
**CONFIDENTIAL DEBRIEFING CRITIQUE**  
(Submit to Program Coordinator at Completion of Mediation)

Date: \_\_\_\_\_

Case #: \_\_\_\_\_

Evaluator: \_\_\_\_\_

Mediator Evaluated: \_\_\_\_\_

Number of mediations *evaluator* has performed: \_\_\_\_\_

**Please rate your fellow mediator on the following criteria (Key: 1 = poor 5 = excellent):**

	1	2	3	4	5	NA	COMMENTS
Procedures/Logistics - opening statement, forms, clear explanations and answers							
Active Listening: validation/clarification/ Paraphrasing/summarizing							
Grasp of issues and interests							
Rapport with parties							
Balanced interaction with <i>parties</i>							
Balanced interaction with <i>other mediator</i>							
Process applied appropriately (intervention, control, etc.)							
Maintained neutrality							
Respected confidentiality							
Presentation – credible, professional, confident							

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Return completed form to:**

Susan DeCourcy  
Program Coordinator, FEB  
Shared Neutrals Program  
National Highway Traffic Safety Administration  
901 Locust Street, Suite 466  
Kansas City MO 64106  
Phone: 816.329.3904

## Agreement to mediate

MEDIATION BETWEEN \_\_\_\_\_

AND \_\_\_\_\_

DATE/S OF MEDIATION: \_\_\_\_\_ CASE # \_\_\_\_\_.

The participants in this mediation, including the parties to this mediation, any representatives or advisors of the parties who participate in the mediation, and the mediator or mediators, agree to the following terms regarding this mediation, including any follow-up sessions:

1. I understand that confidentiality in mediation is important. I have read and agree to abide by the terms of confidentiality that apply in mediations in the Shared Neutrals Program, as stated in the attached Shared Neutrals Program Confidentiality Agreement.
2. The mediators have no authority to make a determination regarding the outcome of this mediation; rather, the role of the mediators is to help the parties reach a resolution of the case that is mutually agreeable to them. The mediators will not be advocates for any party.
3. Participation in this mediation does not create any responsibility to reach an agreement.
4. No party will be bound by solutions proposed or agreed on in this mediation, unless and until there is a written settlement agreement signed by the parties.
5. Any party may withdraw from the mediation at any time after it begins; however, each participant in the mediation will remain bound by the Confidentiality Agreement.
6. The mediators may terminate the mediation if an impasse has been reached or for any other reason the mediators conclude that the mediation should not be continued.
7. This agreement and the Shared Neutrals Program Confidentiality Agreement apply to any dispute resolution proceeding in the Shared Neutrals Program.

By signature, I acknowledge that I understand and will abide by the terms of this agreement.

\_\_\_\_\_  
Party 1 (Signature and Date)

\_\_\_\_\_  
Party 2 (Signature and Date)

\_\_\_\_\_  
Representative for Party 1

\_\_\_\_\_  
Representative for Party 2

ATTACHMENT: CONFIDENTIALITY AGREEMENT

**Upon completion of mediation, return to:**

***Return completed form to:***

Susan DeCourcy  
Program Coordinator, FEB  
Shared Neutrals Program  
National Highway Traffic Safety Administration  
901 Locust Street, Suite 466  
Kansas City MO 64106  
Phone: 816.329.3904  
Fax: 816.329.3910



## CONFIDENTIALITY AGREEMENT

This Agreement provides for confidentiality in mediations under the Kansas City Federal Executive Board Shared Neutrals Program. The Administrative Dispute Resolution Act of 1996 (ADRA), governs mediations in federal agencies. The primary purpose of this Agreement is to broaden the scope of confidentiality in mediations under this program beyond that provided for in the ADRA.

This Agreement applies to all participants in the mediation, including the parties, their representatives or advisors, and the mediators.

1. Except as otherwise provided below, the participants in this mediation will maintain the confidentiality of all matters presented in the mediation, including all oral statements made in the mediation, all documents presented, all offers made or positions taken, and all information conveyed. This applies whether a matter was presented in a joint session or privately to the mediator. Information or documents that a participant acquires separately from the mediation may be disclosed, even though also presented in the mediation. This agreement covers all communications made for the purpose of a mediation, even if not made during a mediation session.
2. The parties may agree to disclosure of matters presented in the mediation for consultations or authorizations that are necessary to complete the mediation. They may also disclose these matters to their attorneys during or after the mediation.
3. In any subsequent legal proceeding, no participant will attempt to reveal or make anyone else reveal any oral statement made in the mediation, any document prepared and used solely for the mediation, or the fact that any document was presented, any offer or demand was made, or any position which was taken in the mediation. However, in a subsequent legal proceeding no participant will be barred from revealing or making anyone else reveal a fact, or a document that was not prepared and used solely for the mediation, merely because it was also presented or discussed in the mediation.
4. The parties will not compel the mediator to testify about the mediation or produce any document acquired in the mediation.
5. A matter presented in the mediation will not be confidential, and the above provisions will not apply, to the extent that: (a) disclosing the matter may be necessary to prevent a danger to the public health or a person's physical safety; (b) the matter is required by statute to be made public; (c) all parties to the mediation and the person who presented the matter in the mediation agree in writing that the matter may be disclosed; (d) the matter is disclosed solely to the extent necessary to support or defend against a complaint made by a participant to a court, administrative tribunal, disciplinary authority, the Shared Neutrals Program Coordinator, or the neutral in a dispute resolution proceeding, that the mediator or a participant's attorney committed professional misconduct; or (e) a court determines that disclosure of the matter is necessary to prevent a manifest injustice, help establish a violation of law, prevent harm to the public health and safety, or determine the meaning or enforceability of a settlement agreement resulting from the mediation, and should be made in spite of the participants' strong commitment to confidentiality. The parties agree that the fact that disclosure of a matter would be helpful in determining the merit of claim or showing an inconsistency with an earlier or later contention should not alone be sufficient to justify disclosure on the ground of manifest injustice.
6. No participant will claim that the presentation of any matter in the mediation constitutes a waiver of a legal privilege.
7. This Agreement does not apply to any written and signed agreement resulting from the mediation.